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FORTY NINERS FOOTBALL COMPANY LLC,
FORTY NINERS SC STADIUM COMPANY LLC,
FORTY NINERS STADIUM MANAGEMENT
COMPANY LLC, CITY OF SANTA CLARA,
and SANTA CLARA STADIUM AUTHORITY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ABDUL NEVAREZ, PRISCILLA
NEVAREZ, and SEBASTIAN
DEFRANCESCO, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

FORTY NINERS FOOTBALL
COMPANY, LLC, et al.,

Defendants.

Case No. 5:16-cv-07013-LHK

**DECLARATION OF CRIS C. VAUGHAN IN
SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

1 I, CRIS C. VAUGHAN, declare:

2 1. I have personal knowledge of the statements contained in this declaration, which
 3 are true and correct except where stated upon information and belief, and as to those statements, I
 4 am informed and believe that they are true. If called upon to do so, I am competent to testify on
 5 the matters contained in this declaration.

6 2. I am a specialist in disabled access for persons with disabilities. I am and have
 7 been a Certified Access Specialist (“CAsp”) since 2009. I have been designated as a Subject
 8 Matter Expert in disabled access by the California Division of State Architects (“DSA”) since
 9 2014. In my capacity as a Subject Matter Expert, I have participated in the development and
 10 review of the materials used by DSA as part of the examination given to persons testing to
 11 become a CAsp in the State of California. Since 2012, I have taught courses on disabled access
 12 requirements under the American with Disabilities Act (“ADA”) and California Building Code
 13 (“CBC”).

14 3. I own and operate ADA Consultant Services and I have performed more than 500
 15 accessibility evaluations of both private and public entity facilities. These evaluations have
 16 included evaluation of ticketing facilities and practices. I received a Bachelor of Arts degree from
 17 Western Oregon University in 1977 and a Juris Doctorate degree from the University of the
 18 Pacific McGeorge School of Law in 1981. I have been a licensed attorney in the State of
 19 California since 1981 and have been a licensed attorney in the State of Nevada since 1985.

20 4. In the above-captioned matter, *Abdul Nevarez et al. v. Forty Niners Football*
 21 *Company LLC et al.*, I have been retained as an expert consultant by defendants FORTY NINERS
 22 FOOTBALL COMPANY LLC, FORTY NINERS SC STADIUM COMPANY LLC, FORTY
 23 NINERS STADIUM MANAGEMENT COMPANY LLC, CITY OF SANTA CLARA, and
 24 SANTA CLARA STADIUM AUTHORITY. In this capacity, my assignment was to assess
 25 issues related to the accessibility of ticketing of Levi’s Stadium.

26 5. I authored a rebuttal report dated November 8, 2018 entitled “Rebuttal Expert
 27 Report” in which I address the alleged barriers related to ticketing identified by Plaintiffs. A true
 28 and correct copy of this report and its exhibits is attached as **Exhibit 1**. The statements

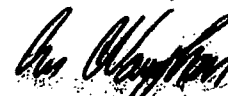
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2 contained in this report are true and correct to the best of my knowledge and they contain my
3 findings as they relate to the accessibility of ticketing at Levi's Stadium to persons with mobility
4 disabilities.

5 6. With regard to the specific ticketing barriers at issue in this motion, my opinions
6 (as identified in my reports), are set forth herein.

7 7. It is my understanding that Plaintiffs contend persons with mobility disabilities or
8 persons on their behalf should be able to exchange tickets for single-day events by contacting
9 Forty Niners personnel by telephone. The Forty Niners Defendants contract out to Ticketmaster
10 to handle the great majority of ticketing services for events held at Levi's Stadium, Ticketmaster
11 does allow ticket purchases and exchanges by telephone and email. The Forty Niners Defendants
12 provide for day-of-event purchases and exchanges of non-accessible seating tickets to accessible
13 seating tickets at the Stadium Box Office. The Forty Niners treat all single event ticket holders, be
14 they disabled or otherwise, exactly the same with respect to their ability to change the location or
15 type of their seating for Stadium events. That is, *all* such ticket holders, disabled and non-disabled
16 alike, may exchange their tickets in person at the Stadium on event days, on a first-come, first-
17 served basis. *No* single event ticket holder, be he/she disabled or non-disabled, is able to
18 exchange his/her tickets via telephone or online. Non-disabled persons are not permitted to
19 purchase wheelchair-accessible seating by falsely representing they are a person with a disability.
20 There is no discrimination based on disability that can be ascribed to the same day ticket
21 exchange policy of the Forty Niner Defendants. The ADA prohibits discrimination based on
22 disability but does not require the use of any particular technology for ticket exchange so long as
23 persons with disabilities are not treated differently than persons without disabilities.

24 I declare under penalty of perjury under the laws of the United States and the State of
25 California that the foregoing is true and correct. Executed on June 20, 2019, in Loomis,
26 California.



CRIS C. VAUGHAN